

The Board of Selectmen and the Finance Committee are pleased to present their respective Votes and Comments under Articles 2 through 7 of the September Special Town Meeting.

ARTICLE 2 – SYMMES SITE REZONING

Board of Selectmen and Finance Committee Advisory Motion (Unanimous)

VOTED: That the Board of Selectmen and Finance Committee unanimously support the recommended vote of the Redevelopment Board under Article 2 of the Warrant.

COMMENT:

The Town Meeting will be presented with an opportunity to rezone the site of the former Symmes Hospital to permit the development of the site by Symmes Redevelopment Associates. The Board and the Committee firmly believe that this is one of those rare opportunities for Town officials and elected representatives to influence in a real and substantial way the future of the Town for all of its inhabitants. Preparation for this Town Meeting really began when the voters of the Town overwhelmingly passed a debt-exclusion vote in March of 2001. In the interim, Town Meeting voted to acquire the property and established the Symmes Advisory Committee. The Town Meeting established the site as an urban renewal project giving over the jurisdiction of the site to the Arlington Redevelopment Board. The Symmes Advisory Committee held countless meetings establishing criteria to guide development of the site. The 2004 Annual Town Meeting unanimously endorsed the recommendations of the Symmes Advisory Committee, which guided the Redevelopment Board in its development of a request for proposals from prospective developers. The Redevelopment Board, after pre-qualifying

four potential developers and after numerous public meetings, designated E. A. Fish as the primary developer. A land disposition agreement has been successfully negotiated.

The Board of Selectmen established five goals to serve as a framework by which all Town officials would be guided. The Board believes that it is likely that all five goals will be achieved.

- First, the Fish proposal provides for a balanced development with the inclusion of an affordable housing component.
- Secondly, the existing open space on the site will be maintained and enforced with appropriate land restrictions.
- The third goal of an open, inclusive and transparent public process has been achieved. The Symmes Advisory Committee and the Redevelopment Board have held easily over a hundred public meetings during the planning process. Of necessity some of the Redevelopment Board's hearings were in Executive Session. Whenever any land acquisition and negotiation takes place it is simply unavoidable that the strategy discussions associated with the negotiation take place in Executive Session as provided by law. Public input will continue with an affirmative vote under Article 4.
- The Board and the Finance Committee are optimistic that the fourth goal of maintaining and expanding medical use on the site will be successful. There have been strong indications of interest from some medical and surgical center providers. Lahey Clinic continues to negotiate with the developer for their continued presence on the site.

- Eventually, and most importantly, we are optimistic that the provisions of the land disposition agreement will prove to be revenue neutral for the Town. This will be attained by adding the sale price with profit-sharing proceeds as provided in the land disposition agreement. The keeping of a promise to Arlington taxpayers, when the debt exclusion vote was passed, will be dealt with under Article 3 of the Warrant.

The Board and the Committee enthusiastically endorse the recommended vote of the Redevelopment Board. The Board and the Committee respectfully urge the support of Town Meeting.

ARTICLE 3 – HOME-RULE PETITION/SYMMES PROJECT

Board of Selectmen Main Motion (Unanimous)

VOTED: That the Board will report to Town Meeting under Article 3.

COMMENT:

Due to the complexity of the issues surrounding this article the Board wishes to consider more information before making a recommendation to the Town Meeting. The Board expects to have further information available to Town Meeting members on September 20th. The Board recognizes that this may preclude consideration of the article on the first night of Town Meeting.

ARTICLE 4 – SYMMES NEIGHBORHOOD ADVISORY COMMITTEE

Board of Selectmen Main Motion (Unanimous)

VOTED: Given that the Symmes site is under the jurisdiction of the Arlington Redevelopment Board as an urban renewal project and given that the development of the site will impact particularly the immediate surroundings of the site, the Town in furtherance and assistance to

the Arlington Redevelopment Board in responding to neighborhood concerns establishes the Symmes Neighborhood Advisory Committee (the “Committee”) in order to facilitate two-way communication regarding the development of the site. The Town requests that the Arlington Redevelopment Board commit to responding to all issues brought to its attention by the Advisory Committee.

Five members will be appointed by the Arlington Redevelopment Board. No fewer than three appointments shall come from nominations submitted by the existing neighborhood group. Two additional appointments shall be made from nominations submitted by any person including said neighborhood group. The neighborhood group shall rank-order all nominations. Appointments shall be made considering the person’s bona fide interest in the neighborhood and according to the qualifications listed below.

QUALIFICATIONS:

- * Primary residence in precincts 11 or 15, and
- * Clearly demonstrated interest in the sale and development of Symmes, including thorough knowledge of the history of the property since the Town acquired it, and
- * Willingness to commit significant time during the appointed term, and
- * Demonstrated ability to draw out, synthesize, and fairly represent neighbors’ opinions.

Vacancies shall be filled in the same manner as the initial appointments.

Two members shall serve a term of two years and three members shall serve a term of three years. Initial terms shall be drawn by lot. The committee shall continue in existence until the end of construction. The committee will communicate with members of the neighborhoods surrounding the site and will have a representative at any and all ARB meetings at which the project is on the agenda. The committee may request to be placed on any ARB meeting agenda.

The ARB will provide reasonable opportunity consistent with its rules and regulations for the committee to comment and the ARB will provide the committee with relevant documents. The ARB will notify the committee by email or first-class mail

of all ARB meetings.

The ARB shall appoint a chair to convene the first meeting of the committee and thereafter the ARB and the committee will mutually designate a chair from among the members. The committee may elect other officers as it sees fit.

COMMENT:

The above is a product of intense, cooperative and mutually respectful discussions between members of the Symmes neighborhood and the Redevelopment Board. The Board of Selectmen applauds their efforts and strongly endorses and recommends the above-referenced vote.

ARTICLE 5 – APPROPRIATION/TRAFFIC STUDY COMMITTEE

Finance Committee Main Motion (13-3)

VOTED: If, after additional work and study of past and in-process traffic studies on the Symmes Urban Renewal Project, the TAC determines that an additional traffic study is required in whole or in part, then such additional study shall be authorized and managed by the TAC, and funded by the Symmes Conservation and Improvement Project at the direction of the Arlington Redevelopment Board. If there are no funds available or accessible in the accounts of the Symmes Conservation and Improvement Project, then the Finance Committee may authorize a reserve fund transfer to the TAC for the necessary study.

COMMENT:

The Chairman of the Transportation Advisory Committee advised the Finance Committee that TAC and the Redevelopment Board had retained a peer review consultant to review the transportation study that is underway under the direction of the Redevelopment Board and the developer. This peer review is work-in-process, and the TAC Chairman advised that it was premature to determine that an additional traffic study was necessary, appropriate or useful.

All of the expenses associated with the Symmes Conservation and Improvement Project to date have been contained in the project and managed by the Redevelopment Board, in keeping with the Board of Selectmen's mandate that the project be "revenue neutral". The Finance Committee believes it is inappropriate to charge this project-related expense to general Town expense budgets when it is not necessary.

Finally, matters of transportation policy and remediation of transportation issues are under the jurisdiction of the Board of Selectmen, and the Board of Selectmen have created and designated the Transportation Advisory Committee to be the Town organization that is responsible for and expert on these matters. Therefore, the Finance Committee feels that TAC is the appropriate organization to determine whether or not any additional study is required.

ARTICLE 6 – SYMMES LAND RESTRICTION

Board of Selectmen Main Motion (Unanimous)

VOTED: That the Town hereby authorizes the Board of Selectmen to do all things necessary and appropriate to release the "Agreement to Release Old Restrictions and Propose New Restrictions" as such document is recorded in Middlesex South District Registry of Deeds, Book 24942, Page 265.

COMMENT:

In 1993 when Lahey Clinic was purchasing the Symmes property from the Symmes Hospital Corporation it wished to clear title of a restriction that had been placed upon the property in 1957 in regard to a portion of the Symmes site which borders Summer Street. This parcel had been given to the Symmes Corporation by the Town with the proviso stated that the property would revert to the Town if it were not used for

hospital purposes. This restriction had probably expired in 1987 but its expiration was not a certainty. The Town agreed to abandon the restriction at the 1993 Annual Town Meeting. It chose to do so in return for the placement of a new restriction which would permit the Town to exert some control over the future use of the site and would expand the possible uses on the site to include doctors' offices. In all likelihood this latter restriction was extinguished by merger by operation of law when the Town acquired full ownership of the site in 2003. Although probably extinguished, financing institutions of the developer as well as those of the prospective purchasers of residences might consider it a cloud on the title. Since the Town is now selling the property and assumedly rezoning it, it makes no sense to retain the restriction, which was tied to hospital use. There will, however, be a conservation restriction placed upon the open space to be retained on the site. The Board recommends an affirmative vote as set out above. For the information of the Town Meeting members a recitation of the latter restriction placed on the property in 1993 follows:

“Symmes for itself and its successors and assigns as owners from time to time of the Premises, in consideration of Ten Dollars and other good and valuable consideration paid, hereby agrees with the Town that, except as the Town may otherwise from time to time agree, the uses of the Premises shall be limited to: (i) The current uses thereof and any other Hospital Uses as hereinafter defined: (ii) such other uses as are, at the time such uses commence, permitted in a Hospital District under the By-law as in effect on the date hereof; and (iii) such other uses as are, at the time such uses commence, permitted under the By-law as from time to time amended and applicable either to the Premises or to a Hospital District.

For purposes hereof: "Hospital Uses" shall mean the operation of hospital and clinic facilities (whether acute or non-acute) and related health care and ancillary support services, including inpatient and outpatient medical, surgical, restorative, rehabilitation, chronic, mental health, dental, and any diagnostic, therapeutic and support services rendered in connection therewith, including laboratories, pharmacies, physician offices, testing and treatment centers, ambulatory surgery and urgent or emergent care centers, ancillary teaching and medical research facilities and such residential and commercial uses as are ancillary and accessory thereto, the term "permitted" with respect to a use shall mean a use which is either permitted under the By-law as a matter of right or is or could be permitted under the By-law with the benefit of a special permit or variance.

Notwithstanding the foregoing, nothing herein shall limit the use for any purpose which is lawful from time to time on the balance of Symmes remaining property described in Exhibit A attached hereto ("Symmes" Remaining Land"), of so much of the existing improvements, being a small portion of Residence Building 6, as is currently located partially on Symmes' Remaining Land and partially on the Premises; or any portion of the Premises for access to or for parking serving any portion of Symmes' Remaining Land."

ARTICLE 7 – TRANSFER OF FUNDS/CONSERVATION COMMISSION

Finance Committee Main Motion (Unanimous)

VOTED: That the sum of \$5,900 be and hereby is transferred from the Receipt Reserve Account of the Conservation Commission, as established at the Annual Town Meeting of 1990, to the budget of the conservation Commission for fiscal year 2005.

COMMENT:

This is a housekeeping article unrelated to the Symmes project. Its intent is to make some funds available to the Commission for its ongoing expenses.